

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH A. HARRIS

CIVIL ACTION

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security

NO. 07-3490

**FILED**

FEB 01 2008

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

ORDER

BERLE M. SCHILLER, J.

AND NOW, this 30 day of JAN, 2008, upon consideration of the Plaintiff's Request for Review and the Defendant's response thereto, and after careful review of the Report and Recommendation of United States Magistrate Jacob P. Hart, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
  2. The Claimant's Request for Review is GRANTED IN PART and DENIED IN PART;
- and
3. The matter shall be remanded for (a) a new consultative examination by a physician who could also review Harris's records and offer an opinion as to what his condition was likely to have been on June 16, 2006; (b) reassessment of whether Harris's impairments equal a listing; (c) the posing of new hypothetical questions to a vocational expert, reflecting all limitations supported by the record, including mental limitations; and (d) a fresh credibility assessment.

BY THE COURT:  
  
BERLE M. SCHILLER, J.